

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

ROHAN SKERVIN,

Petitioner,

v.

9:07-CV-0240

**H. D. GRAHAM, Superintendent,
Auburn Correctional Facility,**

Respondent.

APPEARANCES:

OF COUNSEL:

ROHAN SKERVIN
01-A-4414
Upstate Correctional Facility
P.O. Box 2001
Malone, NY 12953
Petitioner, *pro se*

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of New York
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Attorney for Respondent

ASHLEY N. DANNELLY, ESQ.
JODI A. DANZIG, ESQ.
Assistant Attorneys General

NORMAN A. MORDUE, CHIEF U. S. DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge David R. Homer, duly filed on the 29th day of October 2008. Following ten days from the re-service thereof by reason of petitioner's incorrect address, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-

Recommendation, and no formal objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. Petitioner's petition for a writ of habeas corpus is denied. Because Petitioner has failed to make a substantial showing of a denial of a constitutional right, a certificate of appealability will not be issued pursuant to 28 U.S.C. § 2253(c)(2).
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: November 26, 2008
Syracuse, New York


Norman A. Mordue
Chief United States District Court Judge